



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2204873

Applicant Name: Missy Voter for Soleil Development

Address of Proposal: 1913 8th Avenue West

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into four (4) lots (unit subdivision). Proposed lot sizes are: A) 3,284.1 square feet; B) 1,301.9 square feet; C) 979.2 square feet, and, D) 1,636.9 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related project: Establish use, construct, and occupy per plan a triplex townhouse on a site with an existing duplex under MUP No. 2203125.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into four lots as a unit subdivision.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt* ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

* SEPA review for the construction permit was conducted under MUP No. 2203125

BACKGROUND DATA

Site & Area Description

The 7,202.4 square foot property is located on the west side of 8th Avenue West, between West Crockett Street and West Howe Street in the Queen Anne neighborhood of Seattle. Access to the site is via 8th Avenue West, which is paved and improved with concrete curbs, gutters, planter strips and sidewalks on both sides of the street. There is a platted paved alley at the rear (west) of the property to provide access. The existing single family residence was converted to a legal duplex in 1984. The parcel slopes approximately 20 feet from its east boundary to its west boundary. There are no identified or designated Environmentally Critical Areas on site. Surface parking for approximately 4 cars is located in the rear with access from the alley.

The subject property and surrounding lots to the north and south within the same block are zoned Lowrise 1 (L-1), a multi-family zone. All properties to the west within 3 blocks and all properties to the east within 1 block are also zoned L-1. Properties to the south across West Howe Street and to the north across 7th Avenue west are zoned SF 5000, a single family residential zone. Development in the area consists of one and two-story single family houses, townhouse developments and small multi-family structures, consistent with the zoning designation.

Proposal Description

The proposal is to subdivide one parcel into four unit subdivision lots with vehicle access provided from 8th Avenue West for one unit located in the existing duplex and from the abutting alley for the other existing unit and the proposed 3 units in the new townhouse structure. Parking for five vehicles is proposed on site: one-car garage for each townhouse within the building and two surface parking stalls for the existing duplex: one with access from 8th Avenue West and another with access from the alley. Proposed lot sizes are as indicated in the summary above. The lots either have direct pedestrian access to 8th Avenue West or access via a pedestrian access easement, depending on their location.

Note that the proposed construction of the townhouse structure with garages has been reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit (MUP No. 2203125). The subject of this analysis and decision is only the proposed division of land.

Public Comments

The comment period for this proposal ended on September 25, 2002. During the public comment period, DCLU received numerous written and comments via e-mail and phone related to increased density, bulk, congestion, loss of views, privacy, open space and on-street parking, and other general impacts to the neighborhood, and potential impacts during construction of the townhouses.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas.*
6. *Is designed to maximize the retention of existing trees.*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family residential use. The allowable density of the subject property is one unit per 1,600 sq.ft. of lot area. Given a lot area of approximately 7,202.4 square feet, five (5) units are allowed and five are proposed (including the existing two). Maximum lot coverage is 50%. Front setbacks are an average of the neighboring adjacent lots, the maximum setback is fifteen (15) feet and the minimum is five (5) feet. The minimum side yard setback is five (5) feet; the actual required setback is based on the height of the structure adjacent to the side property line. Rear yard setback is twenty (20) feet or twenty (20) percent of the lot depth, in no case less than fifteen (15) feet. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. The lots are provided vehicular access to 8th Avenue West or the abutting alley, consistent with the requirements of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does require an easement to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on August 16, 2002. The existing structure is connected by means of a single sidesewer to an 8-inch public sanitary sewer (PSS) located in 8th Avenue West. There is a public storm drain (PSD) to the north of the proposed short plat and a PSD to the south of the parcel along West Howe Street.

New construction with discharge to the sanitary sewer will require a sidesewer permit. Stormwater detention, with controlled release to either of the PSDs, is likely to be required for construction in excess of 2,000 square feet of developmental coverage. Plan review requirements were made at time of building permit application.

4. The proposed unit subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. An area for address signage shall be provided such that addresses for all units are visible from 8th Avenue West and an easement or a covenant shall be recorded with the final plat to ensure that the address signage is maintained. The public use and interest will be served with this proposal because additional opportunities for owner occupied housing will be provided within the City limits while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. Therefore, the public use and interests are served by permitting the proposed subdivision of land.
5. This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. There are three (3) deciduous and evergreen trees located on the site. These trees are located within the proposed future building footprint and will not be preserved. However, the construction permit provides for planting of new trees in accordance with the applicable requirements of SMC 23.45.015.C.

7. The applicant proposes the construction of one triplex on the subject site which contains a duplex (5 units total). Pursuant to SMC 23.24.045(B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Code Provisions has been reviewed under Master Use Permit Number 2203125. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B, C and D are also not permitted. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and pedestrian access. Therefore, the proposed short subdivision conforms with the provisions of Section 23.24.045 for unit lot subdivisions.

Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements Lowrise 1 zone including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards of the set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision.
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements.
6. Provide an area for the posting of address sign for all unit lots at a location visible from 8th Avenue West and provide a covenant and/or an easement to ensure that the address signage is maintained.
7. Provide a pedestrian egress easement for the benefit of Unit Lots B, C and D over Unit Lot A to facilitate access to the 8th Avenue West right-of-way and a pedestrian easement over Unit Lot B for the benefit of Lot A and update the legal descriptions accordingly.

Signature: _____ (signature on file) Date: February 10, 2003
Marina Haufschild, Land Use Planner
Department of Design, Construction and Land Use
Land Use Division